

REMARKS

Claims 1-20 are pending in this application. Claims 1-20 are cancelled without prejudice or disclaimer and new claims 21-40 are added herein. Claims 21, 26, 30, 35 and 40 are independent.

Claims 1-20 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting over claims 1, 2, 4, 5, 6 and 8 of co-pending US application serial no. 10/619,183. The rejection is moot in view of the cancellation of claims 1-20.

Claim 15 stands rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. The rejection is moot in view of the cancellation of claim 15.

Claims 1-4, 6-9, and 15-19 stand rejected under 35 U.S.C. § 102(e) as anticipated by Miyamoto, et al. (US Patent No. 6,607,443). Claims 5, 10 and 20 stand rejected under 35 U.S.C. § 103(a) as obvious over Miyamoto, in view of Yamashita et al. (US Patent No. 6,755,743). Claims 11-13 stand rejected under 35 U.S.C. § 103(a) as obvious over Miyamoto in view of Haste, III (US Patent No. 6,273,820). Claim 14 stands rejected under 35 U.S.C. § 103(a) as obvious over Miyamoto and Haste, III, in further view of Yamashita et al. The rejections are moot in view of the cancellation of claim 1-20.

Each of new independent claims 21, 26, 31, 35 and 40 requires that it be determined if the number of real players is insufficient to play the game and, if so, image date for a virtual player be either selected for presentation or displayed (see, for example, step S24 of Figure 4 and related description). It is respectfully submitted that

- the applied prior art lacks any teaching or suggestion of such a determination or of the selection or display of an image of a virtual player based upon a determination that the number of real players is insufficient to play the game.

Other features further distinguish the independent claims over the applied prior art.

For example, independent claims 21 and 26 require that the selected image data represent one of a number of different expressions of the virtual player that corresponds to a circumstance of the game being played. It is respectfully submitted that the applied prior art lacks any such teaching or suggestion. It is perhaps worthwhile noting that with regard to Miyamoto, the image in Figure 7 is of a virtual dealer, similar to the virtual dealer depicted in Figure 1 of the present application, and not of a virtual player that plays the game against a real player or players.

Claims 31 and 35 have somewhat similar limitations to those discussed above with reference to claims 21 and 26, and are therefore further distinguishable over applied prior art.

It is further respectfully submitted that features recited in the defendant claims also distinguish over the applied prior art.

For example, claims 23, 28, 33 and 37 each require that the correspondence between the expression of the virtual player and the circumstance of the game be changeable based on game history data for a virtual player. It is respectfully submitted that the applied prior art, whether taken individually or in any combination, lacks any

- teaching or suggestion of such a feature.
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In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (File No. 1227.42951X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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